

DRAFT-WIA Questions and Answers

Q. Can a WIB representative wear a private sector and a public sector hat? For example, could the WIB the qualifications for WIA business representative and WtW partner (grant recipient)?

A. It is possible for a single WIB representative to represent both the public and private sectors, but the shown is unlikely since the WIB Chair must be a business representative and as such is not likely to be adequately represent the WtW program. The grant recipient for WtW is likely to be the same entity designated Fiscal Agent for WIA. For WIA, the CEO designates the partner representative for WtW the grant recipient designates the representative on the WIB which could be the same person.

Q. Can a service provider represent a partner?

A. No. The partner representative on the WIB should represent the grant recipient or organization responsible administering the funds. A service provider that contracts with or is a subrecipient of the administering would not have policymaking authority, and thus would not be appropriate.

Q. Is the SDA AE/GR a Community Based Organization (CBO)?

A. Yes, it meets the definition of CBO contained in the Act. But, it may not meet the intent of the Act with CBO representation on the WIB.

Q. Can a retired person represent the private sector?

A. No. The Act requires the business representatives to be owners of businesses, chief executives, or top officers, with optimum policymaking or hiring authority; AND represent businesses with employment characteristics that reflect the employment opportunities of the local area. A retired person would not meet this definition.

Q. Could a Chamber of Commerce staff person represent business?

A. No, for the same reasons cited above. Staff to the chamber would not be appropriate. As indicated above, we interpret the Act to mean that the framers of the Act wanted the business representatives on the local boards to have hiring authority for jobs in demand in the local area. Successful workforce investment boards around the country have ensured that they are comprised primarily of decision makers from key organizations. Accomplishing the results expected of regional boards demands that members have the influence and authority to be leaders of change.

Board appointments are strategic decisions that can impact the effectiveness and image of the workforce system. Attracting the most influential individuals in the community who represent occupations in great demand can be challenging. The kind of individuals who are most appropriate may be too busy to serve. If the local community believes the Executive Director of a Chamber of Commerce can represent them, and that individual has hiring authority for other chamber staff, such individual may be appointed. We will try to be as supportive of local decisions in board appointments, but will continue to educate elected officials and non-profit organizations about the importance of appointing individuals who are most likely to move the regional workforce to a higher level. ALL business representatives on the WIB should have hiring authority for occupations that are in demand.

Q. We have 6 entities in 6 counties that have CDBG funds, three post-secondary institutions with Carl F etc. They cannot all serve on the WIB. Can we pick and chose who we want if they all sign a MOU even connect with the actual one stop site but tie into the one stop system?

A. You only need one representative of each partner on the WIB, but you can have more if you want. They would need to appoint from those nominated. Naturally, he/she will want to appoint the person with the most connection to the one-stop system and can play the most meaningful role in discussing issues that impact that resource. The partner who sits on the WIB will not need to sign MOUs with each grantee of the partner resource. The partner who sits on the WIB will represent all the other grantees, much like you may only have 5 labor reps, not every single labor member in the area is supposed to communicate with their peers. Employers too, are supposed to represent the employer community, not just their business. One CSBG grantee could represent the CSBG community, and you'd sign your MOU with that grantee.

Q. Where and to what extent must required one stop partners make available core services under the one stop system?

A. At a minimum, core services described in 134 (d)(2) that are applicable to that program, and that are basic core services under Wagner-Peyser. The services are to be made available to individuals attributable to that partner's program. There will be more guidance issued in the near future about minimum criteria for access. Access must be met by July 1, 2000. There must be at least one center meeting all the criteria in each workforce area.

Q. If a LWIB has documented, that after reasonable efforts, and/or after assistance from the governor, an MOU cannot be negotiated with a specific entity, will the requirement for that MOU be waived?

A. The local partners and the Board can seek assistance from their Federal agencies. If there is still an irreconcilable conflict, we would consider a waiver. The partner does not have a seat on the board in the absence of an MOU (§ 185(c)).

Q. Will it be necessary to document compliance with SSA from individuals accessing core services? If so, will they request a DD214 or a SS Registration number before the individual is allowed to use the IRA, for example? The same would hold true for determination of citizenship. Exactly what is intended by the language requiring citizenship determinations as a condition for provision of services, including core?

A. There is no eligibility determination needed for core services until such services go beyond self-service or informational activities. The IRA would be a self-service activity. A social security number is needed for tracking purposes. Selective Service registration and citizenship determination would be requested for entry into WIA at the point of intensive service. It is necessary to track performance for WIA. The interim regs at 29 CFR 285.185(c) indicate that individuals must be "registered" for WIA and determined "eligible" (i.e., they must meet the service requirement and be over the age of 18 for adults, and meet the definition of a dislocated worker (dislocated worker funds) any time they receive services other than self-service or informational activities. EEO data must be collected at this time, and the participants counted for performance measurement.

Section 185 of the law requires recipients of funds to keep records containing information required by title 29, U.S.C. 285(c) requires that state and grantees maintain comparable management information systems designed to ensure uniform compilation, cross tabulation, and analysis of programmatic, participant, and financial data, in order to be necessary to comply with the nondiscrimination requirements of Sec. 188. 185(d) specifies that at a minimum, reports must include demographic characteristics, programs and activities in which participants are enrolled, the amount of time they participate, outcomes that include occupations of participants and placement into non-traditional employment, and costs of the programs and activities.

However, DWD will be having further discussions with DOL regarding the point at which data is collected.

principle of seamless services.

Q. Will there be a provision to exclude providers of short term, single course work from the requirement training provider process? Has consideration been given to those providers where cost of the single course is below minimum amounts, e.g., \$500?

A. The issue was raised at the workgroup meetings on approved training providers. It was generally agreed that training providers do not usually track information on specific courses such as an accounting course or a computer course. It was further agreed that having training providers submit training programs for all possible courses would be burdensome on all involved parties. However, no suggestions were offered for resolving the problem and still complying with the Act. The suggestions in the question (exclusion of single course work below minimum amounts) will be considered along with any other suggestions submitted. We will consider submitting a waiver to DOL on this issue. From information received at DOL training, short-term, single coursework can conceivably be an intensive service rather than training. The key is for the state to define what constitutes a "program" of coursework. Short-term prevocational services, including "soft skill" training, do not require application to the list of approved providers. DOL gave as an example that single courses in computer applications (like Word Perfect or Lotus) that are generally applicable to employment rather than part of a program leading to certification necessary for a certain occupation are not "training" but intensive services.

Programs that DO require application to be on the providers list are "occupational skills training for employment" and "basic and literacy skills only when combined with occupational skills training." The eligible training provider policy will be revised to include definitions that create a reasonable system of training provider approval and incorporate the customer choice principles of the Act.

Q. Is it anticipated that the governor might require additional performance measures? If so, is it safe to assume the state will provide the necessary additional resources required by the LWIB to meet those standards?

A. For the first year of WIA starting July 1, 1999, we do not anticipate additional performance measures. If additional performance measures are considered at a later date, LWIBs will be consulted and the question of additional resources will be addressed at that time. We will be approaching DOL with our own performance measures, but they would be intended as replacing DOL's measures, not being an additional burden.

Q. Based on exceptional performance by the WIBs the state may be eligible for incentive funds. How would incentive funds be distributed to the WIBs?

A. A state only gets an incentive award if it meets performance for Title I, Title II (ABE), and Perkins, and is based just on WIB performance. The award is not automatic. The state must submit an application that is approved by the Governor after consultation with the legislature and the relevant state agencies. The funds may be used for carrying out an innovative program that is consistent with the requirements of one or more of the programs (502).

Q. In a one stop system will the state pay the cost of providing CS3 in all local one stop facilities identified by the WIB and LEOs as needing such access?

A. Access to CS3 in all one-stop facilities identified by the WIBs and LEOs will be a negotiated item. It is the intent to make CS3 widely available, but technological and financial limitation could limit DWD's ability to provide unlimited, free CS3 access to all locations identified by the WIBs/LEOs. We would like to make CS3 available at all locations which would make this a moot point.

Q. For purposes of intensive and training services, as well as for purposes of youth services, how will the "family of one" be dealt? Will youth with disabilities be accepted as a family of one?

A. Yes, we may seek a waiver. Section 664.250 of the interim regulations says a disabled youth is considered income regardless of the family's income if the youth's own income meets the criteria under 101(25)(B). If a youth meets the income eligibility criteria for cash payments under any federal, state, or local public program, eligibility for intensive and training services under the adult program is not based on income. Individuals must be "prioritized" for services if funds are limited, but that does not mean that other individuals are excluded. Individual WIBs may determine if funds are limited and how they will establish priorities (e.g., ranking system). DWD maintains that as a state, funds are not limited for serving low income individuals. This issue is under discussion with DOL.

Q. May youth meeting the age eligibility requirements participate in both the youth and adult programs?

A. Yes

Q. Is there a time limit to be imposed by the governor on the one-stop operator agreements?

A. No.

Q. Will Wagner-Peyser funds be distributed to local Workforce Investment Areas based on their decisions (such as number of printers, computers, etc.) that they specify they need? How will Wagner-Peyser funds be distributed?

A. Wagner-Peyser funds are distributed through negotiations between the state administrative office and local Directors, balancing requests from around the state against the funds available.

Q. These questions resulted from a discussion on how broad could one-stop partnerships be interpreted: license branches? City-county government? Will we test/issue driver's licenses?

A. The Act at 121(b)(2) says one-stop partners could include other entities that carry out a human resource program [emphasis added] if the local board and chief elected official involved approve such participation. It is clear that WIBs would consider license branches to be appropriate human resource programs that would sign MOUs with WIB and have a seat on the board. Co-location at satellite sites, which might include location at a license branch, does not mean every entity at that location is a "partner." It may simply be a facility-use agreement.

Q. What criteria will be used to "test out" of core and intensive services to show a need for training?

A. The Act describes eligibility for core and intensive, which is based on the ability to obtain or retain self-employment, not on economic need. The one-stop operator makes the decision about whether an individual is eligible and appropriate for intensive and training services. An individual must receive at least one core service before going into intensive services. A determination of the need for intensive services must be contained in the participant's case file.(663.160).

To receive training, the individual must be determined by the one-stop operator:

- to have received at least one intensive service and have been determined unable to obtain or retain self-employment through those services;
- to have the skills and qualifications to successfully complete the selected training program and
- select a program of training services that is directly linked to employment opportunities either in the local labor market or in the state.

- another area to which the individual is willing to relocate and
- be unable to obtain grant assistance from other sources and
- determined eligible in accordance with state and local priority systems for adults. (663.310).

There is no minimum amount of time that must be spent at each tier, although local boards may make them do so. One local plan indicated, for example, that an individual would need to spend at least 4 weeks in intensive services unless the person met a profile developed locally. A profile could serve two purposes: to predict employment (similar to UI profiling) and to be a priority checklist for enrolling individuals in intensive services and

Q. How will work first be applied to dislocated workers?

A. Dislocated workers may be placed in jobs that pay lower than what they need to be self-sufficient, or to maximize their skills, but only to provide income while they are engaged in intensive or training service. There is an expectation that individuals who are able to work do so, even if it is only part time to enable them to attain self-sufficiency. Under WIA, individuals do not need to be terminated just because they are placed in an initial job. Services continue to be provided until the individual attains self-sufficiency as defined by the WIB. "Self-sufficient" for a dislocated worker could, for example, be defined as a minimum of 80% of his/her previous wage. This is critical for WIBs to define self-sufficiency in their local plans. There may be more than one definition, but it should be consistent for membership in a particular population group. We encourage local entities to consider a "living wage" when determining self-sufficiency.

Q. How would partners share or access confidential information on individuals? What partner would be responsible for a client's file?

A. Confidentiality issues and case management arrangements can be covered in MOUs. MOUs may be needed. Partners may propose the sharing of specified information to the state Steering Committee if they cannot reach locally to reach consensus on how information can be shared and where flexibility may exist.

Q. If the local WIB wants or demands expanded office hours, how will it be directed and who can respond? How will the other mandatory partners be involved in this decision? What if a mandatory partner refuses? Is there a recourse? What will happen to the 40 hour work week?

A. DWD is working on a policy regarding core hours of operation for one-stop centers as a quality criterion. WIBs may choose to go beyond state minimums, but the ability to do so will depend on what they are able to negotiate in MOUs. Office hours are dependent on available resources since there is an expense associated with staffing those hours.

Q. Is it true that subsidized training will be available for anyone-- not just "eligible" folks?

A. You must still be "eligible," it's just that "eligible" is defined differently under WIA. You do not have to be economically disadvantaged to receive training.

Q. What about workshops? Will Wagner-Peyser and WIA combine workshops? If so, shouldn't we work to make sure we don't duplicate services?

A. The MOU should indicate who is going to be contributing what services to the one-stop center. Joint workshops would be permissible. The objective is to avoid duplication.

Q. Can intensive services be provided by the partners through MOUs without doing a procurement?

A. Section 117(d)(2)(D) says "if the one-stop operator does not provide intensive services in a local area, the board shall identify eligible providers of intensive services ... by awarding contracts." The regs at 663.2 say intensive services "may be provided directly by the one-stop operator or through contracts with service providers that are approved by the local board." It would appear that if WIA intensive services are being provided by a one-stop consortium that competitive procurement would not be necessary, but this would not apply to partners who are not part of the one-stop operator consortium. A modified competition may be applied to a partner (i.e., a competition open only to the partners).

Youth services are all competitive (117(d)(2)(B)).

Q. How do we handle putting a school on the state training providers list when the school requires a religious part of the curriculum in order to graduate?

A. WIA funds can not be used to pay for sectarian training. The school could be on the list, but the case manager would explain to the individual that credit hours in sectarian training could not be covered. The individual would need to make a decision about whether or not to use the voucher at that institution based on such information. The case manager should help the participant identify what resources he or she will use to pay for training that is not covered by WIA funds in order to provide some assurance that the person is capable of actually completing a program of study.

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